

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

LOUIS BATISTA,

Plaintiff,

v.

WASHINGTON STATE DEPARTMENT  
OF CORRECTIONS, et al.,

Defendants.

Case No. C04-5413RBL

ORDER ON PLAINTIFF'S  
DISCOVERY MOTIONS

This matter is before Court on the following Motions filed by Plaintiff Louise Batista:  
Motion for Medical Docket [Dkt. # 82]; Motion for Witness Statements [Dkt.# 83]; and Motions for  
Discovery [Dkt. #s 84, 85, and 89].

It is unclear what the Plaintiff seeks with respect to the Medical docket and the witness statements.  
It is not clear that there is a medical docket, or that witness statements or depositions have been taken. The  
Defendants' failure to respond to the motion does not assist the court in this effort. The Motions [Dkt.  
Nos. 82 and 83] are DENIED without prejudice. If there are such items, however, they are discoverable  
and will be produced.

With respect to the remaining, repetitive "Motions for Discovery," Mr. Batista seeks video  
tape(s) of the incident in question, arguing that there are cameras in the area and that the correctional  
facility is required to maintain the tapes for six years. The Defendants responds that they "do not know"  
if there was a tape of the incident, but that if there was, it likely would have been "taped over" in a matter

1 of days. This is insufficient. The Defendants have an obligation to determine whether the incident was  
2 taped, and to ensure that if it was, that the tape is located, preserved, and produced. Plaintiffs' Motion is  
3 therefore GRANTED, and Defendant will determine whether there is or ever was a tape of the incident.

4 DATED this 20<sup>th</sup> day of November, 2006.

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6 RONALD B. LEIGHTON  
7 UNITED STATES DISTRICT JUDGE  
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